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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,467	10/14/2003	Michelle Jillian Fuwaua	3715-016 DIV1	7801

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GOTTLIEB RACKMAN & REISMAN PC  
270 MADISON AVENUE  
8TH FLOOR  
NEW YORK, NY 100160601

EXAMINER

TRUONG, BAO Q

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/686,467	FUWAUSA ET AL.	
Examiner	Art Unit	
Bao Q. Truong	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21,23-27,29-33 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,23-27,29-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Wojnarowski et al. [US 6,452,217 B1].

Regarding claim 38, Wojnarowski et al. discloses a flashlight having a housing [83], an ultra violet source [36, 52] including semiconductor junction [GaN LED die], a transparent cover [82] that does not degrade in the presence of ultra violet light, and a projection mirror [88] to direct ultra violet radiation through the lens (figures 5-19).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 21, 23, 24, 26, 27, 31, 32, 33, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojnarowski et al. [US 6,452,217 B1] in view of Nelson [US 6,092,912].

Regarding claims 21 and 26, Wojnarowski et al. discloses a flashlight having an elongated body/housing [83] to hold a battery/power source [92], an ultra violet emitter [36, 52] including semiconductor junction [GaN LED die], a projection mirror [88], a transparent cover [82], the ultra violet emitter emitting ultra violet radiation through the cover and being attached to an end of the body [83] (figures 5-19). Wojnarowski et al. does not disclose the cover being a quartz element.

Nelson discloses a flashlight having a lens [88] being a quartz element (figures 1 and 3, column 8 lines 27-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lens of Wojnarowski et al. with the quartz element as taught by Nelson for purpose of providing an advantageous way of minimizing shock and heat transfer therefrom.

Regarding claims 23 and 32, Nelson discloses the lens [88] made of quartz to shape the beam formed by a light source (figures 1 and 3).

Regarding claim 24, Nelson discloses the lens [88] made of quartz being removable (column 8 lines 27-30).

Regarding claim 27, Wojnarowski et al. disclose the ultraviolet emitter without a lens (figure 16).

Regarding claim 31, Wojnarowski et al. disclose an ultraviolet emitter [36] including a disc [surface to attached LED die 52] and a reflector area (column 7 lines 26-30).

Regarding claim 33, Wojnarowski et al. disclose a lens [82], which being selected from a set of replaceable lenses, each lens having a different shape and generating a different type of beam [replaceable lenses being variable in a market] (figure 18).

Regarding claim 35, Wojnarowski et al. disclose the semiconductor junction being mounted in a metallic package [34] (figures 5-7, column 4 lines 55-58).

Regarding claim 37, Wojnarowski et al. discloses a flashlight having an elongated body/housing [83] to hold a battery/power source [92], an ultra violet emitter [36, 52] including semiconductor junction [GaN LED die], a projection mirror [88], a transparent cover [82], the ultra violet emitter emitting ultra violet radiation through the cover and being attached to an end of the body [83], a disc [surface to attached LED die 52] and a reflector area (figures 5-19, column 7 lines 26-30). Wojnarowski et al. does not disclose the cover being a quartz element.

Nelson discloses a flashlight having a lens [88] being a quartz element (figures 1 and 3, column 8 lines 27-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lens of Wojnarowski et al. with the quartz element as taught by Nelson for purpose of providing an advantageous way of minimizing shock and heat transfer therefrom.

5. Claims 25, 29, 30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson and Wojnarowski et al. in view of Visciano [US 4,495,550].

Regarding claims 25, 29 and 30, Shanley and Wojnarowski et al. disclose a housing body [83] but do not disclose the body being flexible or the body including the rigid portion and the flexible portion.

Regarding claim 36, Wojnarowski et al. discloses a flashlight having an elongated body/housing [83] to hold a battery/power source [92], an ultra violet emitter [36, 52] including semiconductor junction [GaN LED die], a projection mirror [88], a transparent cover [82], the ultra violet emitter emitting ultra violet radiation through the cover and being attached to an end of the body [83] (figures 5-19). Wojnarowski et al. does not disclose the cover being a quartz element, and the housing including the rigid portion and the flexible portion.

Nelson discloses a flashlight having a lens [88] being a quartz element (figures 1 and 3, column 8 lines 27-40).

Visciano teaches the use of a flexible housing body [22] and a rigid body [12] to allow the flashlight to change shape (figure 2, column 2 lines 16-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housing body of Wojnarowski et al. with the flexible housing body as taught by Visciano to change the flashlight body shape for purpose of providing a design shape configuration, and to modify the lens of Wojnarowski et al.

with the quartz element as taught by Nelson for purpose of providing an advantageous way of minimizing shock and heat transfer therefrom.

### ***Response to Amendment***

6. Applicant's amendments and arguments with respect to the presence claim have been considered but are moot in view of the new ground(s) of rejection. A new reference, Nelson [US 6,092,912] is applied.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800